



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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08/744,444

11/08/96

GOODMAN

84-754

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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HM42/0609

GREENLEE WINNER AND SULLIVAN
5370 MANHATTAN CIRCLE
SUITE 201
BOULDER CO 80303

JONES, D

EXAMINER

1616

ART UNIT

PAPER NUMBER

10

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to 11/24/97 ; 6/2/98 ; 6/3/98

☒ The allowed claim(s) is/are 28-41

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

GARY E. HOLLINDEN, PH.D.
PRIMARY EXAMINER
GROUP 1200



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

HM42/0609

GREENLEE WINNER AND SULLIVAN
5370 MANHATTAN CIRCLE
SUITE 201
BOULDER CO 80303

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/744,444	11/08/96	014	JONES, D	1616 06/09/98
First Named Applicant	GOODMAN, MARK M.			

TITLE OF INVENTION AMINO ACID ANALOGS FOR TUMOR IMAGING

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 64-95A	534-014.000	F12	UTILITY	YES	\$660.00	09/09/98

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Art Unit: 1616

ACKNOWLEDGMENTS

1. The Examiner acknowledges receipt of Paper No. 7, filed, 11/24/97, wherein claims 1-27 were canceled; claims 28 and 40 were amended; and claim 41 was added.
2. Applicant's affirmation of the election of species as directed to compounds numbered 132, 133, and 134 in the specification is acknowledge. Furthermore, the restriction requirement is still deemed proper and is therefore made FINAL.

RESPONSE TO APPLICANT'S ARGUMENTS

3. The Applicant's arguments filed 11/24/97 (Paper No. 7) to the rejection of claims 1-27 made by the Examiner under 35 U.S.C. 102 and/or 112 have been fully considered and deemed persuasive. Therefore, all outstanding rejections have been withdrawn.

COMMENTS/NOTES

4. Claims 28-41 are allowable over the prior art of record for the reasons set forth in the Office Action mailed 9/22/97, Paper No. 6.

The Kuntfschke et al (J. Labelled Compounds and Radiopharmaceuticals, 1995, Vol. 36, No. 2, pp. 193-203) reference is made of record to illustrate that it is common in the art to draw complexes containing technetium-99m as in Applicant's claim 32 wherein there is no bond connecting the technetium-99m to the cyclopentadiene structure.

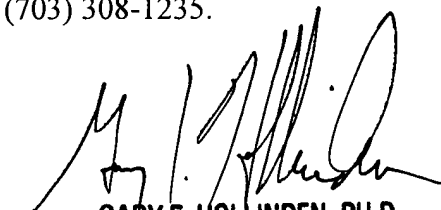
Art Unit: 1616

5. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to the Group 1600 fax machine at (703) 308-4556. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30; November 15, 1989.
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameron L. Jones whose telephone number is (703) 308-4640. Examiner Jones can generally be reached from Monday through Thursday, as well as on alternate Fridays, between 7:00 a.m. and 4:30 p.m. If the Examiner cannot be reached, questions may be addressed to her supervisor, Jose Dees, whose phone number is (703) 308-4628.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.


DLJ

June 4, 1998


GARY E. HOLLINDEN, PH.D.
PRIMARY EXAMINER
GROUP 1200